

judgment or by amendment of the judgment after entry. An award of damages for noneconomic losses in excess of \$250,000 shall be reduced to \$250,000 before accounting for any other reduction in damages required by law. If separate awards of damages for past and future noneconomic damages are rendered and the combined award exceeds \$250,000, the award of damages for future noneconomic losses shall be reduced first.

(b) APPLICABILITY.—Except as provided in section 401, this section shall apply to any health care liability action brought in any Federal or State court on any theory or pursuant to any alternative dispute resolution process where noneconomic damages are sought. This section does not create a cause of action for noneconomic damages. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages. This section does not preempt any State law enacted before the date of the enactment of this Act that places a cap on the total liability in a health care liability action.

(d) DEFINITIONS.—As used in this section—
(a) The term “claimant” means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term “economic loss” has the same meaning as defined at section 203(3).

(c) The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, and entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

Page 17, line 10, insert “and other” after “punitive”.

It was decided in the { Yeas 247
affirmative { Nays 171

¶41.27 [Roll No. 226]
AYES—247

Allard	Bono	Combest
Archer	Brewster	Condit
Armey	Browder	Cooley
Bachus	Brownback	Cox
Baker (CA)	Bryant (TN)	Cramer
Baker (LA)	Bunn	Crane
Baldacci	Bunning	Crapo
Ballenger	Burr	Creameans
Barcia	Burton	Cunningham
Barr	Buyer	Davis
Barrett (NE)	Callahan	DeLay
Bartlett	Calvert	Dooley
Barton	Camp	Doolittle
Bass	Canady	Dornan
Bateman	Cardin	Dreier
Bereuter	Castle	Duncan
Bevill	Chabot	Dunn
Bilbray	Chambliss	Ehlers
Bilirakis	Chapman	Ehrlich
Bliley	Chenoweth	Emerson
Blute	Christensen	English
Boehlert	Chrysler	Ensign
Boehner	Coburn	Eshoo
Bonilla	Collins (GA)	Everett

Ewing	Laughlin	Rohrabacher
Fawell	Lazio	Ros-Lehtinen
Fazio	Leach	Roth
Fields (TX)	Lewis (CA)	Roukema
Foley	Lewis (KY)	Royce
Fowler	Lightfoot	Salmon
Fox	Linder	Sanford
Franks (CT)	Livingston	Saxton
Franks (NJ)	Longley	Scarborough
Frisa	Lucas	Schaefer
Funderburk	Manzullo	Seastrand
Galleghy	McCollum	Sensenbrenner
Ganske	McCrery	Shaw
Gekas	McHale	Shays
Geren	McHugh	Shuster
Goodlatte	McInnis	Sisisky
Goodling	McIntosh	Skeen
Gordon	McKeon	Skelton
Goss	McNulty	Smith (MI)
Greenwood	Metcalf	Smith (NJ)
Gunderson	Meyers	Smith (TX)
Gutknecht	Mica	Smith (WA)
Hall (TX)	Miller (FL)	Solomon
Hamilton	Minge	Souder
Hancock	Molinari	Spence
Hansen	Montgomery	Stearns
Harman	Moorhead	Stenholm
Hastert	Moran	Stockman
Hastings (WA)	Morella	Stump
Hayes	Myers	Talent
Hayworth	Myrick	Tanner
Hefley	Neumann	Tate
Heineman	Ney	Tauzin
Herger	Norwood	Taylor (MS)
Hilleary	Nussle	Taylor (NC)
Hobson	Oxley	Thomas
Hoekstra	Packard	Thornberry
Hoke	Pallone	Tiahrt
Holden	Parker	Torkildsen
Horn	Paxon	Torricelli
Hostettler	Payne (VA)	Traficant
Houghton	Peterson (FL)	Upton
Hunter	Peterson (MN)	Volkmer
Hutchinson	Petri	Vucanovich
Hyde	Pickett	Waldholtz
Inglis	Pombo	Walker
Johnson (SD)	Porter	Wamp
Johnson, Sam	Portman	Watts (OK)
Jones	Poshard	Weldon (FL)
Kasich	Quillen	White
Kelly	Quinn	Whitfield
Kim	Radanovich	Wicker
Kingston	Ramstad	Wolf
Klug	Regula	Young (AK)
Knollenberg	Richardson	Young (FL)
Kolbe	Riggs	Zeliff
LaHood	Roberts	Zimmer
Largent	Roemer	
Latham	Rogers	

NOES—171

Abercrombie	Doyle	Kennedy (RI)
Ackerman	Durbin	Kennelly
Andrews	Edwards	Kildee
Baessler	Engel	King
Barrett (WI)	Evans	Kleczka
Becerra	Farr	Klink
Beilenson	Fattah	LaFalce
Bentsen	Fields (LA)	Lantos
Berman	Filner	LaTourette
Bishop	Flake	Levin
Bonior	Flanagan	Lewis (GA)
Borski	Foglietta	Lincoln
Brown (CA)	Ford	Lipinski
Brown (FL)	Frank (MA)	LoBiondo
Brown (OH)	Frelinghuysen	Lofgren
Bryant (TX)	Frost	Lowe
Clay	Furse	Luther
Clayton	Gejdenson	Maloney
Clement	Gephardt	Manton
Clyburn	Gilchrest	Markey
Coble	Gillmor	Martini
Coleman	Gilman	Mascara
Collins (IL)	Gonzalez	Matsui
Collins (MI)	Graham	McCarthy
Conyers	Green	McDade
Costello	Gutierrez	McDermott
Coyne	Hastings (FL)	McKinney
Danner	Hefner	Meehan
de la Garza	Hilliard	Meek
Deal	Hinche	Menendez
DeLauro	Hoyer	Mfume
Delums	Istook	Miller (CA)
Deutsch	Jackson-Lee	Mineta
Diaz-Balart	Jacobs	Mink
Dickey	Johnson, E. B.	Moakley
Dicks	Johnston	Mollohan
Dingell	Kanjorski	Nadler
Dixon	Kaptur	Neal
Doggett	Kennedy (MA)	Nethercutt

Oberstar	Sanders	Thurman
Obey	Sawyer	Torres
Olver	Schiff	Towns
Ortiz	Schroeder	Tucker
Orton	Schumer	Velazquez
Pastor	Scott	Vento
Payne (NJ)	Serrano	Visclosky
Pelosi	Shadegg	Walsh
Pomeroy	Skaggs	Ward
Pryce	Slaughter	Waters
Rahall	Spratt	Watt (NC)
Reed	Stark	Waxman
Reynolds	Stokes	Weldon (PA)
Rivers	Studds	Wilson
Rose	Stupak	Wise
Roybal-Allard	Tejeda	Woolsey
Rush	Thompson	Wyden
Sabo	Thornton	Wynn

NOT VOTING—16

Boucher	Hall (OH)	Rangel
Clinger	Jefferson	Weller
Cubin	Johnson (CT)	Williams
DeFazio	Martinez	Yates
Forbes	Murtha	
Gibbons	Owens	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. LONGLEY, assumed the Chair.

When Mr. DREIER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶41.28 MESSAGE FROM THE PRESIDENT—
ECONOMIC EMERGENCY IN MEXICO

The SPEAKER pro tempore, Mr. LONGLEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On January 31, 1995, I determined pursuant to 31 U.S.C. 5302(b) that the economic crisis in Mexico posed “unique and emergency circumstances” that justified the use of the Exchange Stabilization Fund (ESF) to provide loans and credits with maturities of greater than 6 months to the Government of Mexico and the Bank of Mexico. Consistent with the requirements of 31 U.S.C. 5302(b), I am hereby notifying the Congress of that determination. The congressional leadership issued a joint statement with me on January 31, 1995, in which we all agreed that such use of the ESF was a necessary and appropriate response to the Mexican financial crisis and in the United States’ vital national interest.

On February 21, 1995, the Secretary of the Treasury and the Mexican Secretary of Finance and Public Credit signed four agreements that provide the framework and specific legal arrangements under which up to \$20 billion in support will be made available from the ESF to the Government of Mexico and the Bank of Mexico. Under these agreements, the United States will provide three forms of support to Mexico: short-term swaps through which Mexico borrows dollars for 90 days and that can be rolled over for up to 1 year; medium-term swaps through which Mexico can borrow dollars for up to 5 years; and securities guarantees having maturities of up to 10 years.

Repayment of these loans and guarantees is backed by revenues from the export of crude oil and petroleum products formalized in an agreement signed by the United States, the Government of Mexico, and the Mexican govern-